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N. C. 89. But it is not applied to bequests. *Audsley v. Horn*, 1 De G. F. & J. 226. But see *Heron v. Stokes*, 1 C. & L. 270. As the rule is one of construction only, it does not apply when the face of the will indicates, as in the principal case, an intention which it would defeat. *Grieve v. Grieve*, L. R. 4 Eq. 180; *Wilmot v. Betterton*, 76 L. T. N. S. 415. And the eminently sensible result here is directly supported by authority, including the actual decision in Wild's Case itself. *Wild's Case*, *supra*; *Audsley v. Horn*, *supra*.

BOOK REVIEWS.

THE LAWS OF ENGLAND. By the Right Honorable the Earl of Halsbury and other lawyers. In about 20 volumes. London: Butterworth and Company; Philadelphia: Cromarty Law Book Company.

Vol. III. Bills of Sale to Carriage by Sea. 1908. pp. cxxxi, 578, 55.

Vol. IV. Carriers to Commutation of Tithes. 1908. pp. cxlviii, 614, 49.

Vol. VI. Compulsory Purchase of Land to Constitutional Law (part). 1909. pp. cxxxi, 499, 39.

Vol. VII. Constitutional Law (conclusion) to Coparcener. 1909. pp. clxvi, 544, 37.

Vol. VIII. Copyhold to County Courts. 1909. pp. cxxviii, 693, 42.

The publication of Vol. V has been delayed. The whole volume is devoted to Company Law, and the passage of the Companies (Consolidation) Act of 1908 rendered a delay advisable.

In reviewing the first two volumes of this great work it was said: "If the excellence of these two volumes is maintained in the subsequent volumes, the complete work will be a solid contribution to the Law of England, and of great practical utility to the lawyer and the judge." These five volumes, at least, fully maintain the excellent qualities of the first two, and give promise of good work to come.

Vol. III contains articles on Bills of Sale (78 pages), Bonds (26 pages), Boundaries, Fences and Party-Walls (43 pages), Building Contracts, Engineers and Architects (154 pages), Building Societies (80 pages), Burial and Cremation (175 pages).

Vol. IV includes articles on the whole more interesting to an American lawyer: Carriers (99 pages), Charities (256 pages), Choses in Action (44 pages), Clubs (33 pages), and Commons and Rights of Common (163 pages).

In Vol. VI are articles on Compulsory Purchase of Land and Compensation (175 pages), Conflict of Laws (131 pages), and the first part of the article on Constitutional Law (190 pages).

In Vol. VII the article on Constitutional Law is completed (277 pages, making in all 467 pages devoted to this subject), and the other articles in the volume are Contempt of Court, Attachment and Committal (46 pages), and Contract (214 pages).

Vol. VIII contains Copyholds (134 pages), Copyright and Literary Property (73 pages), Coroners (88 pages), Corporations (102 pages), and County Courts (288 pages). These articles, like those in the first two volumes, are written by men who are masters of their subjects, usually by lawyers who have a large share in administering the law about which they write. This gives the work a distinct air of authority.

Several of the articles are of special interest and value to American lawyers. The article on Carriers states clearly and very concisely the law of carriers of goods and passengers. A large part of it is devoted to the statutory regulations of carriers; but the excellent discussion of the Railway and Canal Traffic Act is of

great importance for the assistance it gives in interpreting our Interstate Commerce acts. The article on Conflict of Laws is an adequate and illuminating treatment of the topic, based (as every English treatment of the subject must be) on Professor Dicey's remarkable book, and adopting his conclusions and even his form of statement on such controverted points, for instance, as the law governing the essential validity of contracts. The article on Contempt contains an excellent statement of the law of criminal contempts, and (from our point of view) a rather inadequate treatment of contempt in violating an order of court; but it throws little light on the vexed problem of procedure for the punishment of contempts. The more settled practice of the English courts has enabled them to deal satisfactorily with a matter which to us is full of danger. The article on Contracts is a sound and adequate treatment of the general principles, and includes a treatment of Quasi-contract under the title of "constructive contracts." In the article "Corporations" it is interesting to note that Companies are included, thus following the view adopted in the American cases; and that corporations *de facto* appear to play no part in unsettling the theories of English lawyers, though the article "Companies" may deal with them.

The undertaking has covered, at the end of the eighth volume, a portion of the alphabet which in other similar works has occupied one quarter of the whole. It would seem, therefore, that the whole work is likely to extend to about thirty volumes. If the others are as well done as these, the projectors of the work will certainly deserve the gratitude of the legal profession.

J. H. B.

EQUITY ALSO THE FORMS OF ACTION AT COMMON LAW. Two courses of lectures by F. W. Maitland. Edited by A. H. Chaytor and W. J. Whittaker. Cambridge: at the University Press. 1909. pp. xvi, 412.

We are doubly indebted to Messrs. Chaytor and Whittaker, not only for unexpected access to another work of a great legal historian, but also for an interesting sidelight thrown on his ability to present a body of living law. We in this country have perhaps been accustomed to think of Professor Maitland too much as an expositor of the development of the law in the past, rather than of its present structure. This book consists of twenty-one lectures on equity and seven lectures on the forms of action at common law, delivered to students at Cambridge University, and fully written out by him some years ago, the task of the editors being to incorporate the author's later marginal notes and to collect in footnotes some of the more important cases since his death. The first three lectures on equity deal with its origin and history: then follow five lectures on the creation of trusts, express, implied, resulting, and constructive; then four more on the nature of equitable estates and the present relations of equity and the common law; while the last part of the course deals with satisfaction and ademption, administration, conversion, election, specific performance, injunctions, and mortgages.

While there is much of interest to which to call attention in Professor Maitland's historical treatment of equity, we may specially refer the reader to the origin of uses, pp. 23-33. Why was there not a remedy in contract against the disloyal feoffee, he asks. One answer he finds in the more efficient remedy of the Chancellor on behalf of the *cestui que use* against the feoffee. That remedy was already in the field when the courts of common law in the fifteenth century evolved the action of assumpsit. Professor Ames has pointed out that the remedy by covenant in the few charters of feoffment in which a covenant appeared may fairly be said to have counted for nothing. 21 HARV. L. REV. 264. For this, and for other reasons (pp. 30, 31), the sole remedy of the beneficiary originated and has always remained in Chancery by subpoena. The personal nature of the right in equity is emphasized throughout. Equity does not claim that the *cestui* is the owner of the *res* and thus conflict with the law's view of the trustee as owner. It does not say to